



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/413,963 10/07/99 LYNCH

J 85160.911CII

EXAMINER

WM02/0108

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SUITE 2300
LOS ANGELES CA 90067

KNIX, I

ART UNIT

PAPER NUMBER

2123

DATE MAILED:

01/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.		Applicant(s)	
	09/413,963		LYNCH ET AL.	
	Examiner		Art Unit	
	Lonnie A. Knox		2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 20) <input type="checkbox"/> Other: |

DETAILED ACTION

1. The amendment received 11/30/00 is acknowledged and has been incorporated into this office action.
2. In the office action on paper 5, claims 1-15 were rejected as obvious based on prior art under 35 USC § 103 as being identical to rejected claims of application 08/039,949. Claims 1-15 were also rejected as being anticipated by prior art under 35 USC § 102. The amendment cancels claims 1-15 and adds new claims 16-38 rendering moot the rejections on paper 5.

Oath/Declaration

3. The objection to the oath/declaration is withdrawn.

Definitions

4. Applicants definition of structural model will be used in the interpretation of the claims:

"The structural aspects of the model provide the ability to define a model element as being contained in, or by, another model element. In addition, the structural model provides the ability to identify logical datatype and physical interconnections between elements and establish connections between elements."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 USC § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 16, 19, 20, 21, 22, 23, 26, 27, 30, 31, 33, 34, 35, 36, 37, - are rejected under 35 USC § 102(b) as being clearly anticipated by Bryan Kramer (IEEE 0-8186-2300-4/91). Kramer teaches configuration of a computer system substantially the same as the instant application. Kramer teaches:

- a. generating a configuration for a system (Kramer: pp 372 col 1, para. 3),
- b. defining a structural model of elements (Kramer: figure 3; pp 369, col 1, para 3; pp 371, col 2, para 3; pp 372, col 1, para 2),
- c. means for generating plurality of components (Kramer: Abstract; pp 368, col 2 para 1)
- d. defining structural relationships between base classes (Kramer: pp 369, col 1, para 3; pp 370, col 1),
- e. maintaining the model (Kramer: pp 375, col 1, para 1),
- f. means to establish that the constraints satisfied by at least one component (Kramer: pp 372, col 1, para 2),
- g. determining if another component can satisfy the constraints (Kramer: page 372, col 2, top, re backtracking),
- h. examining to determine if another port can be used (Kramer; page 372, col 1, para 2),

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17, 18, 24, 25, 28-29, and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Bryan Kramer. Kramer teaches a configuration method that is a knowledge-based hierarchical system using constraints to determine if requested components and features can be incorporated into a configuration as in the instant application.

9. Regarding claim 17, Kramer fails to teach a bill of material (BOM). The use of BOM's to list parts of an assembly are well known and often used as a means to identify the composition of the assembly and to provide a basis for pricing and packaging the correct items. It would have been obvious to an artisan of ordinary skill in the computer development arts to realize that the final selection of components by the configuration program would be described in a Bill of Materials. The artisan would have been motivated to generate and use a BOM for because of its accepted general usage for these purposes.

10. Regarding claim 18, Kramer fails to teach spare parts, failed requests and failed optional requests. It would have been obvious to the artisan of ordinary skill at the time of the invention to note items such as spare parts, failed requests and failed optional requests to indicate that the configuration selected did not completely satisfy all the

constraints requested. The artisan would have been motivated to include these features in the configuration program to avoid developing a final configuration that was defective or inoperative.

11. Regarding claims 24-25 and 28-29, Kramer fails to specifically teach that a request can be for a need or a resource. Kramer does, however, teach that the constraints input to the configuration system by the user can be interpreted as such (Kramer; page 370, col 2, para 2). For instance Kramer teaches that a constraint that identifies a software package (need) can also include a constraint for a particular type of processor chip (resource)(Kramer; page 372, col 2, top of page-para 2). It would have been obvious to an artisan of ordinary skill in the configuration arts to interpret these type constraints as a request for a resource or a request for a need based on the discussion and teachings in Kramer.

12. Regarding claim 38, Kramer fails to specifically teach determining whether a transfer path exists between available ports. However, Kramer does teach adding a constraint to the elements that indicates a requirement for a port connection (Kramer; page 371, col 2 para 2). It would have been obvious to an artisan of ordinary skill in the configuration arts to know it was a requirement to make compatible connections between parts. The artisan would have been motivated to include these type of constraints to generate a configuration that would be operable with the described configuration using the ports available or to provide elements necessary to make inter-element compatible connections within the configured system.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lonnie A. Knox whose telephone number is (703) 308-8475. The examiner can normally be reached on 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (703) 305-9704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-1396 for regular communications and (703) 308-1396 for After Final communications.

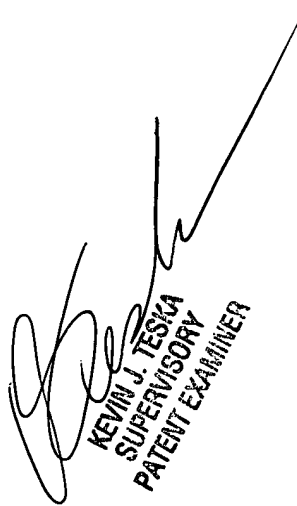
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lonnie Knox
December 22, 2000



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER